

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

TELEPHONE: (714) 557-3800

INTELLECTUAL PROPERTY LAW
12400 WILSHIRE BOULEVARD, 7TH FLOOR
LOS ANGELES, CA 90025

FACSIMILE: (714) 557-3347

RECEIVED
CENTRAL FAX CENTER

MAR 03 2005

FACSIMILE COVER SHEET

Deliver to: Lc, Huyen D, USPTO Art Group: 3751
Facsimile No.: (703) 872-9306 Date: March 3, 2005
From: Roger W. Blakely, Jr., Reg. No. 25,831
Our Docket No.: 2590P067 Number of pages 10 including this sheet.
Application No.: 10/618,061 Filing Date: 7/11/2003
Docket Due Date(s): 3/4/2005

Enclosed are the following documents:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Amendment: <u> </u> (<u>6</u> pgs) | <input type="checkbox"/> Issue Fee Transmittal |
| <input type="checkbox"/> Appeal Brief (<u> </u> pgs) | <input type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> Application: <u> </u>
(<u> </u> pgs) w/cover & abstract) | <input type="checkbox"/> Petition for: <u> </u> |
| <input type="checkbox"/> Assignment & Cover Sheet (<u> </u> pgs) | <input type="checkbox"/> Request for Continued Examination (RCE) |
| <input checked="" type="checkbox"/> Certificate of Facsimile <u> </u> | <input type="checkbox"/> Reply Brief (<u> </u> pgs) |
| <input type="checkbox"/> Continued Prosecution Application (CPA) | <input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i) |
| <input type="checkbox"/> Declaration & POA (<u> </u> pgs) | <input type="checkbox"/> Request to Rescind Previous Nonpublication Request |
| <input type="checkbox"/> Drawings: <u> </u> sheets, <u> </u> figures | <input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter |
| <input type="checkbox"/> Extension of Time: <u> </u> | <input type="checkbox"/> Response to Written Opinion (<u> </u> pgs) |
| <input checked="" type="checkbox"/> Fee Transmittal (In duplicate) | <input type="checkbox"/> Terminal Disclaimer |
| <input type="checkbox"/> IDS & PTO/SB/08 (<u> </u> pgs) | <input type="checkbox"/> Transmittal of Publication Fee Due |
| <input type="checkbox"/> Other <u> </u> | <input checked="" type="checkbox"/> Transmittal Letter |

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.84)

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office.

Jessica A. Clark
Jessica A. Clark3/3/2005

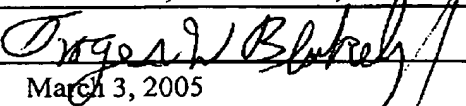
Date

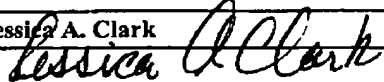
Confidentiality Note: The documents accompanying this facsimile transmission contain information from the law firm of Blakely, Sokoloff, Taylor & Zafman which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

If you do not receive all the pages, or if there is any difficulty in receiving, please call: (714) 557-3800 and ask for Jessica A. Clark.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application No.	10/618,061
		Filing Date	July 11, 2003
		First Named Inventor	Michael P. Lammert
		Art Unit	3751
		Examiner Name	Le, Huyen D
Total Number of Pages in This Submission	10	Attorney Docket Number	2590P067

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">Facsimile Cover Sheet</div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Roger W. Blakely, Jr., Reg. No. 25,831 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	March 3, 2005

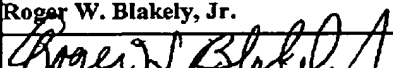
CERTIFICATE OF MAILING/TRANSMISSION			
I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office.			
Typed or printed name	Jessica A. Clark		
Signature		Date	March 3, 2005

Based on PTO/SB/21 (04-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wtr) 06/04/2004.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

FEE TRANSMITTAL for FY 2005 <small>Federal fees are subject to annual revision.</small>		Complete if Known	
		Application Number	10/618,061
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Filing Date	July 11, 2003
		First Named Inventor	Michael P. Lammert
TOTAL AMOUNT OF PAYMENT (\$) 50.00		Examiner Name	Le, Huyen D
		Art Unit	3751
		Attorney Docket No.	2590P067

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>02-2666</u> Deposit Account Name: <u>Blakely, Sokoloff, Taylor & Zafman LLP</u>	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20. <input type="checkbox"/> Credit any overpayments	

FEE CALCULATION																																																																														
1. EXTRA CLAIM FEES																																																																														
<table border="1"> <tr> <th>Total Claims</th> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> <tr> <td>21</td> <td>20</td> <td>1</td> <td>\$50.00</td> </tr> <tr> <td>3</td> <td>3</td> <td>0</td> <td>\$0.00</td> </tr> </table>	Total Claims	Extra Claims	Fee from below	Fee Paid	21	20	1	\$50.00	3	3	0	\$0.00	<table border="1"> <tr> <th>Large Entity</th> <th>Small Entity</th> <th>Fee Description</th> </tr> <tr> <td>1202 50</td> <td>2202 25</td> <td>Claims in excess of 20</td> </tr> <tr> <td>1201 200</td> <td>2201 100</td> <td>Independent claims in excess of 3</td> </tr> <tr> <td>1203 380</td> <td>2203 180</td> <td>Multiple Dependent claim, if not paid</td> </tr> <tr> <td>1204 300</td> <td>2204 150</td> <td>**Reissue independent claims over original patent</td> </tr> <tr> <td>1205 300</td> <td>2205 150</td> <td>**Reissue claims in excess of 20 and over original patent</td> </tr> <tr> <td colspan="2">SUBTOTAL (1)</td> <td>(\$) 50.00</td> </tr> </table>	Large Entity	Small Entity	Fee Description	1202 50	2202 25	Claims in excess of 20	1201 200	2201 100	Independent claims in excess of 3	1203 380	2203 180	Multiple Dependent claim, if not paid	1204 300	2204 150	**Reissue independent claims over original patent	1205 300	2205 150	**Reissue claims in excess of 20 and over original patent	SUBTOTAL (1)		(\$) 50.00																																												
Total Claims	Extra Claims	Fee from below	Fee Paid																																																																											
21	20	1	\$50.00																																																																											
3	3	0	\$0.00																																																																											
Large Entity	Small Entity	Fee Description																																																																												
1202 50	2202 25	Claims in excess of 20																																																																												
1201 200	2201 100	Independent claims in excess of 3																																																																												
1203 380	2203 180	Multiple Dependent claim, if not paid																																																																												
1204 300	2204 150	**Reissue independent claims over original patent																																																																												
1205 300	2205 150	**Reissue claims in excess of 20 and over original patent																																																																												
SUBTOTAL (1)		(\$) 50.00																																																																												
<p>**or number previously paid, if greater, For Reissues, see below</p>																																																																														
2. ADDITIONAL FEES																																																																														
<table border="1"> <tr> <th>Large Entity</th> <th>Small Entity</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> <tr> <td>1051 130</td> <td>2051 85</td> <td>Surcharge - late filing fee or oath</td> <td></td> </tr> <tr> <td>1052 50</td> <td>2052 25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>2053 130</td> <td>2053 130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>1251 120</td> <td>2251 80</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>1252 450</td> <td>2252 225</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>1253 1,020</td> <td>2253 510</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>1254 1,590</td> <td>2254 795</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>1255 2,160</td> <td>2255 1,080</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>1401 500</td> <td>2401 250</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>1402 500</td> <td>2402 250</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>1403 1,000</td> <td>2403 500</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>1451 1,510</td> <td>2451 1,510</td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>1480 130</td> <td>2480 130</td> <td>Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>1807 50</td> <td>1807 50</td> <td>Processing fee under 37 CFR 1.17(a)</td> <td></td> </tr> <tr> <td>1806 180</td> <td>1806 180</td> <td>Submission of Information Disclosure Stmt</td> <td></td> </tr> <tr> <td>1809 790</td> <td>1809 395</td> <td>Filing a submission after final rejection (37 CFR § 1.129(a))</td> <td></td> </tr> <tr> <td>1810 790</td> <td>2810 395</td> <td>For each additional invention to be examined (37 CFR § 1.129(b))</td> <td></td> </tr> <tr> <td colspan="2">Other fee (specify)</td> <td></td> </tr> <tr> <td colspan="2">SUBTOTAL (2)</td> <td>(\$)</td> </tr> </table>	Large Entity	Small Entity	Fee Description	Fee Paid	1051 130	2051 85	Surcharge - late filing fee or oath		1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet		2053 130	2053 130	Non-English specification		1251 120	2251 80	Extension for reply within first month		1252 450	2252 225	Extension for reply within second month		1253 1,020	2253 510	Extension for reply within third month		1254 1,590	2254 795	Extension for reply within fourth month		1255 2,160	2255 1,080	Extension for reply within fifth month		1401 500	2401 250	Notice of Appeal		1402 500	2402 250	Filing a brief in support of an appeal		1403 1,000	2403 500	Request for oral hearing		1451 1,510	2451 1,510	Petition to institute a public use proceeding		1480 130	2480 130	Petitions to the Commissioner		1807 50	1807 50	Processing fee under 37 CFR 1.17(a)		1806 180	1806 180	Submission of Information Disclosure Stmt		1809 790	1809 395	Filing a submission after final rejection (37 CFR § 1.129(a))		1810 790	2810 395	For each additional invention to be examined (37 CFR § 1.129(b))		Other fee (specify)			SUBTOTAL (2)		(\$)
Large Entity	Small Entity	Fee Description	Fee Paid																																																																											
1051 130	2051 85	Surcharge - late filing fee or oath																																																																												
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet																																																																												
2053 130	2053 130	Non-English specification																																																																												
1251 120	2251 80	Extension for reply within first month																																																																												
1252 450	2252 225	Extension for reply within second month																																																																												
1253 1,020	2253 510	Extension for reply within third month																																																																												
1254 1,590	2254 795	Extension for reply within fourth month																																																																												
1255 2,160	2255 1,080	Extension for reply within fifth month																																																																												
1401 500	2401 250	Notice of Appeal																																																																												
1402 500	2402 250	Filing a brief in support of an appeal																																																																												
1403 1,000	2403 500	Request for oral hearing																																																																												
1451 1,510	2451 1,510	Petition to institute a public use proceeding																																																																												
1480 130	2480 130	Petitions to the Commissioner																																																																												
1807 50	1807 50	Processing fee under 37 CFR 1.17(a)																																																																												
1806 180	1806 180	Submission of Information Disclosure Stmt																																																																												
1809 790	1809 395	Filing a submission after final rejection (37 CFR § 1.129(a))																																																																												
1810 790	2810 395	For each additional invention to be examined (37 CFR § 1.129(b))																																																																												
Other fee (specify)																																																																														
SUBTOTAL (2)		(\$)																																																																												

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Roger W. Blakely, Jr.	Registration No. (Attorney/Agent)	25,831
Signature		Telephone	(714) 557-3800
		Date	03/03/05

Based on PTO/SE-17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman v. 12/15/2004.
 SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Appl. No. 10/618,061
Restr. Resp. & Amdt. Dated 03/03/2005
Reply to Office Action of February 4, 2005

RECEIVED
CENTRAL FAX CENTER
MAR 03 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/618,061 Confirmation No. 4328
Applicant : Michael P. Lammert et al.
Filed : 07/11/2003
TC/A.U. : 3751
Examiner : Le, Huyen D
Docket No. : 2590P067
Customer No. : 8791

Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT & AMENDMENT

Sir:

The following is a response to the Office Action dated February 4, 2005.

The Examiner has provided a restriction requirement, requiring Applicant to elect between Species I, Figure 1 and Species II, Figure 2. Applicant hereby elects Species II, Figure 2 without traverse. Claims 1, 4-7, 10-13 and 16-21 read on the elected species

In addition, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.